

## **9 FAM 41.27 OFFICIAL VISAS**

(TL:VISA-2 8-30-87)

### **(a) Definition**

(TL:VISA-2; 8-30-87)

“Official visa” means any nonimmigrant visa, regardless of classification, which bears that title and is issued in accordance with these regulations.

### **(b) Place of Application**

(TL:VISA-2; 8-30-87)

Official visas are ordinarily issued only when application is made in the consular district of the applicant’s residence. When directed by the Department, or in the discretion of the consular officer, official visas may be issued when application is made in a consular district in which the alien is physically present but does not reside. Certain aliens in the United States may be issued official visas by the Department under the provisions of sec. 9 FAM 41.111(b).

### **(c) Classes of Aliens Eligible to Receive Official Visas**

(TL:VISA-9; 3-23-88)

(1) A nonimmigrant within one of the following categories who is not eligible to receive a diplomatic visa shall, if otherwise qualified, be eligible to receive an official visa irrespective of classification of the visa under sec. 9 FAM 41.12:

(i) Aliens within a class described in sec. 9 FAM 41.26(c) (2) who are ineligible to receive a diplomatic visa because they are not in possession of diplomatic passport or its equivalent;

(ii) Aliens classifiable under INA 101(a)(15)(A);

(iii) Aliens, other than those described in 22 CFR 41.26(c) (3) who are classifiable under INA 101(a)(15)(G), except those classifiable under INA 101(a)(15)(G)(iii) unless the government of which the alien is an accredited representative is recognized de jure by the United States;

(iv) Aliens classifiable under INA 101(a)(15)(C) as nonimmigrants described in INA 212(d)(8);

(v) Members and members-elect of national legislative bodies;

(vi) Justices of the lesser national and the highest State courts of a foreign country;

(vii) Officers and employees of national legislative bodies proceeding to or through the United States in the performance of their official duties;

(viii) Clerical and custodial employees attached to foreign-government delegations to, and employees of, international bodies of an official nature, other than international organizations so designated by Executive Order, proceeding to or through the United States in the performance of their official duties;

(ix) Clerical and custodial employees attached to a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties;

(x) Clerical and custodial employees attached to foreign-government delegations proceeding to or from a specific international conference of an official nature;

(xi) Officers and employees of foreign governments recognized de jure by the United States who are stationed in foreign contiguous territories or adjacent islands;

(xii) Members of the immediate family, attendants, servants and personal employees of, when accompanying or following to join, a principal alien who is within one of the classes referred to or described in paragraphs (c) (1)(i) through (c) (1)(xi) inclusive of this paragraph;

(xiii) Attendants, servants and personal employees accompanying or following to join a principal alien who is within one of the classes referred to or described in paragraphs (c) (1)(i) through (c) (1)(xiii) inclusive of sec. 9 FAM 41.26(c) (2).

(2) Other individual aliens or classes of aliens are eligible to receive official visas upon the authorization of the Department, the Chief of a U.S. Diplomatic Mission, the Deputy Chief of Mission, the Counselor for Consular Affairs, or the principal officer of a consular post not under the jurisdiction of a diplomatic mission.